REMARKS

Claims 1, 2, 6, and 8 are pending in this application. By this Amendment, claims 1 and 8 have been amended, and claims 3-5 and 7 have been cancelled without prejudice. Support for the amendments to claim 1 can be found at least in original claim 4. No new matter is added.

Amendments to the Specification

The outstanding Office Action asserts that the first line of the specification should be amended to reference that the present application is a U.S. National Stage Application of a PCT International Application. Applicants have amended the present specification to address the Examiner's concerns.

Rejection under 35 U.S.C. § 102(b)

The outstanding Office Action rejects claims 1-8 under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 08-258888 (hereinafter "MIYAMOTO"). Applicants respectfully traverse the outstanding rejection, asserting that MIYAMOTO fails to disclose all of the elements of the claimed invention.

Without agreeing with or acquiescing to the rejection, Applicants initially note that independent claim 1 has been amended to recite "wherein a softening temperature of the metallocene linear low-density polyethylene measured by a TMA method defined in JIS K7196 is in a range of from 75°C to 97°C" (previously recited in claim 4).

As discussed in the examples set forth in the present specification, the claimed combination of features results in superior surface resistance, static decay time, total light transmissivity, haze, peeling strength, peeling strength stability, zip-up properties, and heat resistance. See, for example, Tables 1 and 2, Examples 1 to 10, and Comparative Examples 1 to 4, which are discussed on pages 38-40 of the present specification.

In contrast, MIYAMOTO neither discloses the aforementioned elements of the claimed invention, recited in independent claim 1, nor appreciates the advantages stemming from the claimed combination of elements. Although the Office Action asserts that MIYAMOTO discloses an ethylene copolymer having a *melting point* of "less than 110 °C," the claims recite that the "softening temperature of the metallocene linear low-density polyethylene measured by a TMA method defined in JIS K7196 is in a range of from 75 °C to 97 °C." Due to distinctions between the methods in which melting point and softening temperature are measured, the disclosed range of *melting points* of the ethylene copolymer in MIYAMOTO is not equivalent to the claimed range of *softening temperatures* of the claimed metallocene linear low-density polyethylene. Thus, Applicants submit that the disclosed range of melting points associated with the ethylene copolymer in MIYAMOTO does not anticipate the claimed range of softening temperatures associated with the claimed metallocene linear low-density polyethylene.

Furthermore, MIYAMOTO discloses that "the ethylene-alpha olefine [sic] copolymer by which the polymerization was carried out with the metallocene catalyst whose ratio of the molecular weight as which [sic] the melting point is *110 degrees C or less*, and is specified by the ratio of weight-average-molecular-weight (MW)/number average molecular weight (MN) is three or less" (*see, e.g.,* paragraph [0006] of the computer-generated English-language translation of MIYAMOTO, emphasis added). Even assuming *arguendo* that the disclosed range of melting points of the ethylene copolymer disclosed in MIYAMOTO equals or corresponds to the claimed range of softening temperatures of the claimed metallocene linear low-density polyethylene, MIYAMOTO discloses a broad range of melting points of an ethylene copolymer without sufficiently describing ethylene copolymers having the disclosed range of melting points. Section 2131.03 of the Manual for Patent Examining Procedure ("MPEP") requires that prior art which teaches a range overlapping or touching the claimed

range anticipates if the prior art range discloses the claimed range with "sufficient specificity." Section 2131.03(II) of the MPEP further explains the specificity with which the cited art must describe a claimed range:

> When the prior art discloses a range which touches or overlaps the claimed range, but no specific examples falling within the claimed range are disclosed, a case by case determination must be made as to anticipation. In order to anticipate the claims, the claimed subject matter must be disclosed in the reference with "sufficient specificity to constitute an anticipation under the statute." What constitutes a "sufficient specificity" is fact dependent. If the claims are directed to a narrow range, and the reference teaches a broad range, depending on the other facts of the case, it may be reasonable to conclude that the narrow range is not disclosed with "sufficient specificity" to constitute an anticipation of the claims. See, e.g., *Atofina v. Great Lakes Chem. Corp*, 441 F.3d 991, 999, 78 USPQ2d 1417, 1423 (Fed. Cir. 2006) wherein the court held that a reference temperature range of 100-500 degrees C did not describe the claimed range of 330-450 degrees C with sufficient specificity to be anticipatory.

MIYAMOTO does not even provide an example of a linear low-density polyethylene (LLDPE) having a melting point below 100 °C (*see, e.g.,* Table 2 of MIYAMOTO). Thus, MIYAMOTO fails to disclose the claimed metallocene linear low-density polyethylene having a softening temperature "measured by a TMA method defined in JIS K7196...in a range of from 75°C to 97°C," as recited in independent claim 1.

In addition, Applicants note that the Office Action asserts that MIYAMOTO discloses "a metallocene catalyzed ethylene copolymer having a density of .900-.925 g/cm^3." Yet, MIYAMOTO merely discloses that "the consistency of *resin* [sic] is .900-.925 g/cm^3" (*see* paragraph [0006] of the English-language translation of MIYAMOTO). It appears that the disclosed "resin" does not refer to the ethylene copolymer or the claimed metallocene linear low-density polyethylene. Rather, in the same paragraph cited above, MIYAMOTO refers to a "polyurethane system *resin* in which a glue line can carry out a heat seal to the carrier tape made from plastics, acrylic resin, polyvinyl chloride system resin, ethylene vinyl acetate system resin, polyester system resin, butadiene system resin, or styrene resin" (*see* paragraph

[0006] of MIYAMOTO). Thus, Applicants submit that the disclosed range of densities does not correspond to the ethylene copolymer disclosed in MIYAMOTO, as suggested in the Office Action. Therefore, MIYAMOTO fails to disclose the claimed metallocene linear low-density polyethylene having "a specific gravity in a range of from 0.888 to 0.907," as recited in independent claim 1.

Conclusion

For at least these reasons, MIYAMOTO fails to disclose each and every element of the claimed invention, as required for anticipation under 35 U.S.C. § 102(b). Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 6, and 8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

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